

**PROCEEDINGS OF THE BROWN COUNTY**  
**LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, December 28, 2009 in Room 161, UW-Extension -1150 Bellevue Street, Green Bay, Wisconsin

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**Present:** Norb Dantinne, Bernie Erickson, Mike Fleck, Dan Haefs, Dave Kaster  
Norb VandeHei

**Also Present:** Bill Hafs, Jon Bechle, Jim Jolly  
Tom Hinz, Jayme Sellen, Aaron Schuette

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I. **Call Meeting to Order:**

The meeting was called to order by Chairman Norb Dantinne at 6:00 p.m.

II. **Approve/Modify Agenda:**

**Motion made by Supervisor Erickson and seconded by Supervisor Fleck to approve the agenda. MOTION APPROVED UNANIMOUSLY**

III. **Approve/Modify Minutes of Land Conservation Subcommittee of October 26, 2009:**

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to approve the minutes. MOTION APPROVED UNANIMOUSLY**

1. **Update on Animal Waste Storage Permit for N.E.W. Organic Digestion, LLC, 6601 County Road R, Denmark, Wisconsin (Attachment: Letter from Conestoga-Rovers and Associations NEW Organics):**

Bill Hafs referred to a letter in packet material from Conestoga-Rovers updating the Land Conservation Department in regard to the installation of the anaerobic digester (AD) and storage tank at N.E.W. Organic Digestion, LLC. The facility has changed their plans and will no longer be accepting animal waste into the AD facility. Based on this, the facility no longer is required to complete a 590 Nutrient Management Plan under Chapter 26 of the Brown County Code of Ordinances, however, will complete a plan for land application of industrial waste products under NR213. A completed waste management plan will be submitted for review and approval by Tom Tewes, DNR Industrial Wastewater Specialist, prior to any land application of industrial waste from the N.E.W. Organic Digestion Facility.

**Motion made by Supervisor Erickson and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY**

2. **Land & Water Conservation Department Monthly Budget Update (11/30/09) To be distributed at meeting):**

Hafs reported that the department budget is on track (report attached).

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to approve the minutes. MOTION APPROVED UNANIMOUSLY**

**3. Wisconsin Working Lands Initiative – Power Point Presentation by Aaron Schuette, Conservation Compliance Requirements by Jim Jolly:**

Because five of the six members on the committee had already seen this presentation, Mr. Schuette did not show it again, however, distributed a copy of the power point (attached), along with a Program Summary of the Wisconsin Working Lands Initiative, and a document from the Wisconsin Department of Agriculture, Trade & Consumer Protection relative to "Understanding Agricultural Enterprise Areas and the Petition Process". Both documents are also attached.

**Motion made by Supervisor Fleck and seconded by Supervisor Erickson to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**4. Grant Application Review (#09-47): Review and approval of Great Lakes Restoration Initiative Grants Application – Pre Proposal for Total Maximum Daily Load Project for Brown, Outagamie, and Calumet Counties. (Attachment 2009 Pre Proposal Ag BMPS TMDL: LFox Luse Watershed Boundaries; LFox SWAT Sub Watershed Yields):**

An RFP for Great Lakes Restoration Initiative Projects was distributed and is attached. Mr. Hafs explained that activities proposed under this grant include agricultural Best Management Practice implementation in the lower Fox River relative to high sediment and phosphorus delivery. The total grant for Brown, Outagamie and Calumet Counties is \$10,787,700 per year, with Brown County's portion at \$5,349,000 per year, including \$594,000 for 8.25 FTE, \$120,000 for staff support, and \$4,635,000 cost share for landowners. The balance is to be distributed to Outagamie and Calumet County Land & Water Conservation Departments.

The term of the grant is for 2010 and 2011. New positions would be 100% funded by the grant, however, Brown County will point to current funding from State and County for enhancement. Hafs stated that existing staff would monitor and inspect Best Management Practices consistent with current County Ordinance.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to approve grant application. MOTION APPROVED UNANIMOUSLY**

**5. Grant Application Review (#09-48): Review and Approval of Great Lakes Restoration Initiative Grants Application – Pre Proposal for Baird Creek Riparian Projection Project:**

This grant would be used to protect stream corridors, create riparian corridor habitat and establish buffer strips on the Baird Creek Watershed in the Town of Humboldt, estimated to be 6 miles and 35' wide on both sides of the stream. Financial incentives would be offered up to \$2,500 per acre for landowners to

install buffer strips out to 150' on both sides of a stream by permanent contract attached to landowners deed. Of the total, \$133,700 will be provided in cost share to landowners, \$211,656 in staffing cost to the Brown County Land & Water Conservation Department and Baird Creek Parkway preservation Foundation, and \$32,000 O&M.

The grant would fund one Project Technician for 2 years and 500 hrs for management of the project. While matching resources are not required, the grant will point to current efforts by Brown County to maintain and comply with the present Buffer Strip Ordinance

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to approve grant application. MOTION APPROVED UNANIMOUSLY**

6. **Grant Application Review (#09-48): Review and Approval of Great Lakes Restoration Initiative Grants Application – Pre Proposal for West Shore Pike Habitat Restoration Project – Jim Jolly:**

Mr. Hafs explained this grant would be used to create, enhance, or restore high quality spawning and rearing habitat for Northern Pike in the western rim of Green Bay on private lands. It would establish 16 miles of buffers, establish and restore 73 acres of wetlands, reposition 20 culverts to open access to additional 40 miles of stream for migrating fish, and encourage local governments to enact an ordinance to protect vegetative buffers. The total grant amount is \$1,794,888, with a yearly allotment of \$448,716 during the years of 2010 to 2014. Hafs stated that Brown County would identify match to help the grant with staff time to monitor contracts for compliance with landowners.

**Motion made by Supervisor Haefs and seconded by Supervisor Erickson to approve grant application. MOTION APPROVED UNANIMOUSLY**

7. **Director's Report:**

Bill Hafs addressed the following: (information attached):

- Baird Creek Watershed in the Towns of Humboldt & Eaton
- Wisconsin Nutrient Management Update
- Glacierland Resource Conservation & Development Newsletter

**Motion made by Supervisor Kaster and seconded by Supervisor Haefs to receive and place on file. MOTION APPROVED UNANIMOUSLY**

8. **Such Other Matters as Authorized by Law: None**

**Motion made by Supervisor Erickson and seconded by Supervisor Kaster to adjourn at 6:35 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel  
Recording Secretary

**Brown County  
Land & Water Conservation  
Budget Status Report  
11/30/2009**

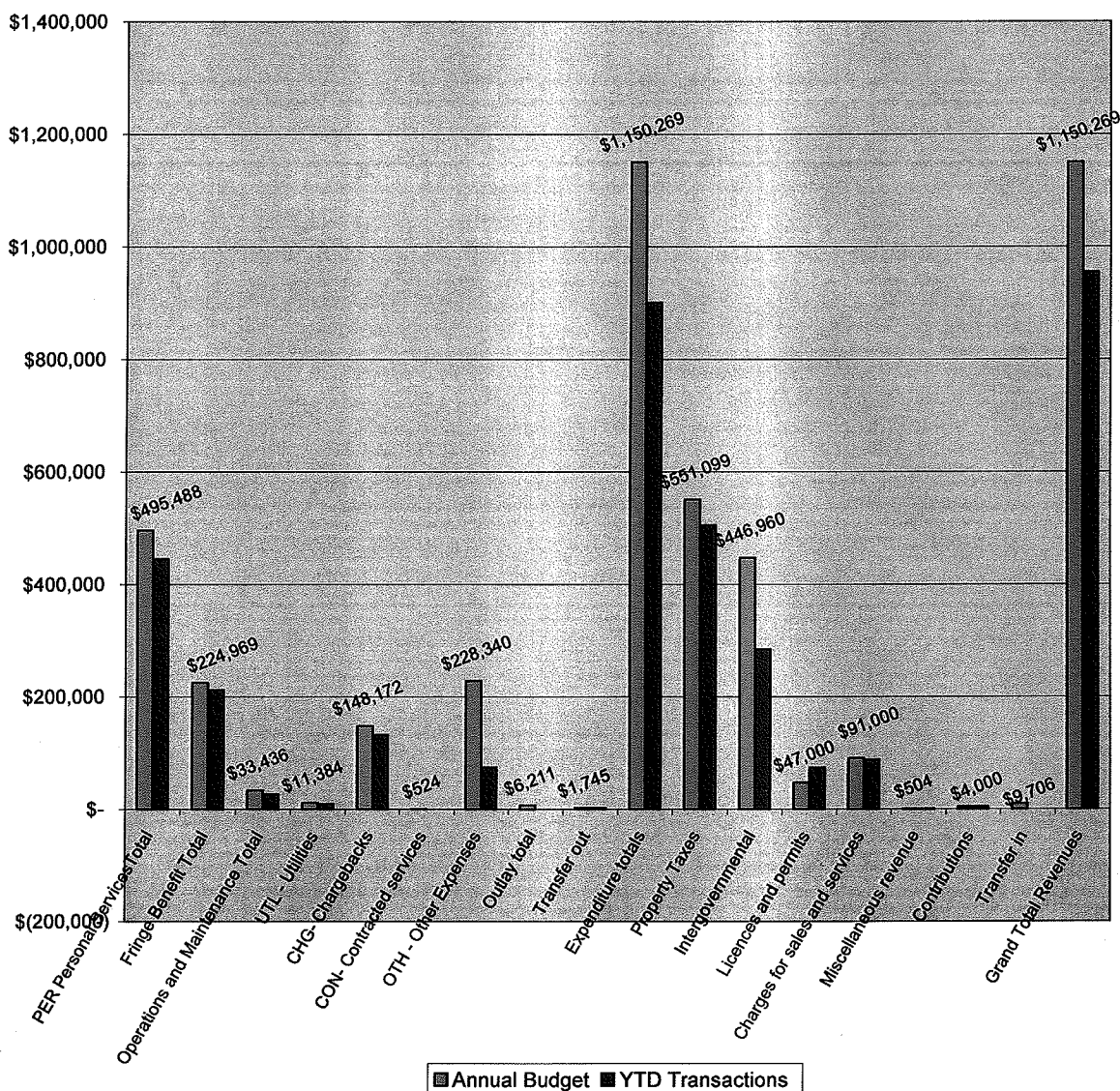
	Annual Budget	YTD Transactions
PER Personal Services Total	\$ 495,488	\$ 444,949
Fringe Benefit Total	\$ 224,969	\$ 212,119
Operations and Maintenance Total	\$ 33,436	\$ 26,297
UTL - Utilities	\$ 11,384	\$ 9,332
CHG- Chargebacks	\$ 148,172	\$ 131,997
CON- Contracted services	\$ 524	\$ -
OTH - Other Expenses	\$ 228,340	\$ 73,964
Outlay total	\$ 6,211	\$ (194)
Transfer out	\$ 1,745	\$ 2,027
<b>Expenditure totals</b>	<b>\$ 1,150,269</b>	<b>\$ 900,490</b>
Property Taxes	\$ 551,099	\$ 505,175
Intergovernmental	\$ 446,960	\$ 284,147
Licences and permits	\$ 47,000	\$ 73,504
Charges for sales and services	\$ 91,000	\$ 88,154
Miscellaneous revenue	\$ 504	\$ 23
Contributions	\$ 4,000	\$ 4,000
Transfer in	\$ 9,706	\$ -
<b>Grand Total Revenues</b>	<b>\$ 1,150,269</b>	<b>\$ 955,003</b>

Landowner payments

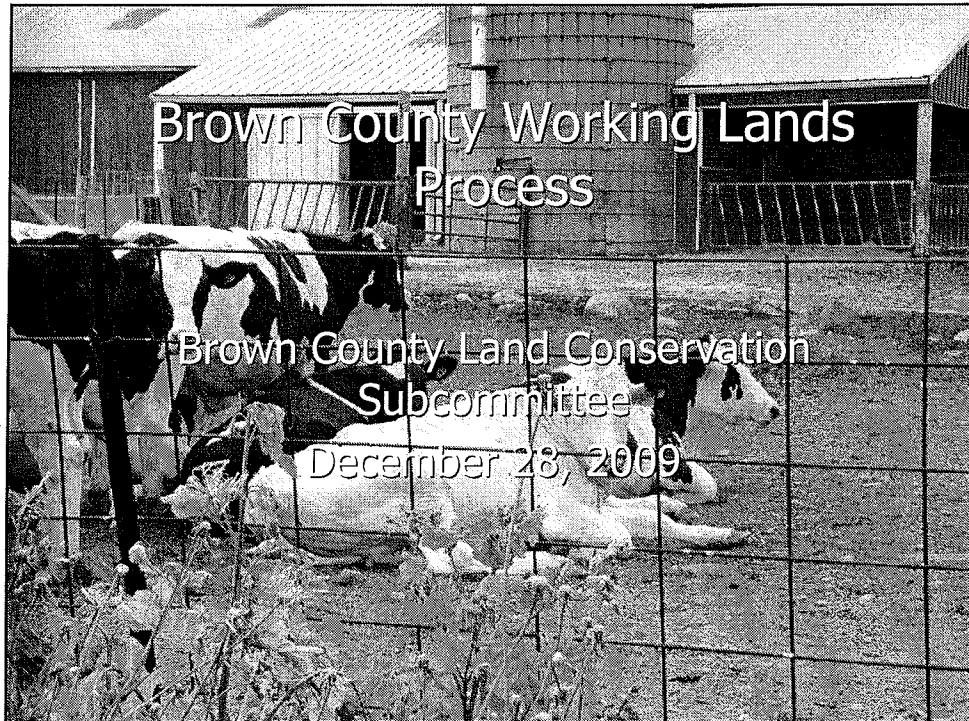
DATCP staffing, LW plan, WD, West Shore, Fed Rev  
Ordinance revenues  
Ag Fees and Trees sales

(+\$54,513)

## Land & Water Conservation - November 30, 2009







## Background

- Working Lands Initiative (WLI) signed into law through 2009-2011 state budget.
- Next generation of the former Farmland Preservation Program.
- Farmers receive tax credits for keeping lands zoned "agricultural" in agricultural production.
- In 2008, 645 Brown County farmers claimed the credits on 101,254 acres totaling \$360,537. The minimum credit was \$11, maximum credit was \$4,200, and the average credit was \$558.97.

3

## WLI Tax Credits

- \$7.50 per acre if located within a certified farmland preservation zoning district.
- \$10.00 per acre if also located in an "agricultural enterprise area" and under a farmland preservation agreement.
- Also must:
  - Earn at least \$6,000/year in gross farm revenue (or a total of \$18,000 over a 3 year period).
  - Be in compliance with Agricultural Performance Standards in NR 151.
  - Have paid property taxes.
- If land is rented, the gross value of the crop produced on the land may be counted toward the property owner's income criteria. Rental fees may not.

## Conversion Fees

- Penalty for rezoning lands out of certified agricultural zone starting 1/1/2010:
  - Three times the Dept. of Revenue Grade 1 cropland value.
  - Example: 2010 Town of Eaton Grade 1 assessment value is \$210 per acre.
  - $\$210/\text{acre} \times 3 = \$630/\text{acre}$
  - Therefore, rezoning 10 acres out of a certified exclusive agriculture zone in Eaton will result in a \$6,300 conversion fee.
  - The Grade 1 assessment value changes yearly based on commodity prices. The 2009 value for Eaton was \$213.
- Conversion fee is collected by local unit of government at time of rezoning.
- Per DATCP, If land is zoned out of a certified agricultural zone as part of a town-wide comprehensive rezone, there is no conversion fee.
- Fees must be sent to DOR by March 1 every year to fund the purchase of agricultural conservation easements (PACE).

## Purchase of Agricultural Conservation Easements (PACE)

- Pays a farmer the difference in value between his/her land as agricultural land versus potential development value.
- Example:
  - Agricultural land is appraised at \$1,000/acre,
  - If the land was to be sold for development, the appraised value is \$10,000/acre,
  - The farmer would receive \$9,000/acre to place a perpetual easement on the deed removing his/her future right to develop.
    - The land remains on the tax roles as agricultural lands.
    - There is no public access requirement.
    - The land can be sold, but only as agricultural land.

## Agricultural Enterprise Areas

- (AEA) is a contiguous land area devoted primarily to agricultural use and locally targeted for agricultural preservation and agricultural development.
- If land is in an AEA and zoned in a certified agricultural zone, the tax credit is \$10/acre
- An AEA may be designated if an application (petition) is submitted by five or more eligible farms, the local government, and approved by DATCP.
- An AEA must be:
  - Located in a County Farmland Preservation Plan identified farmland preservation area
  - A contiguous land area
  - Primarily in agricultural use



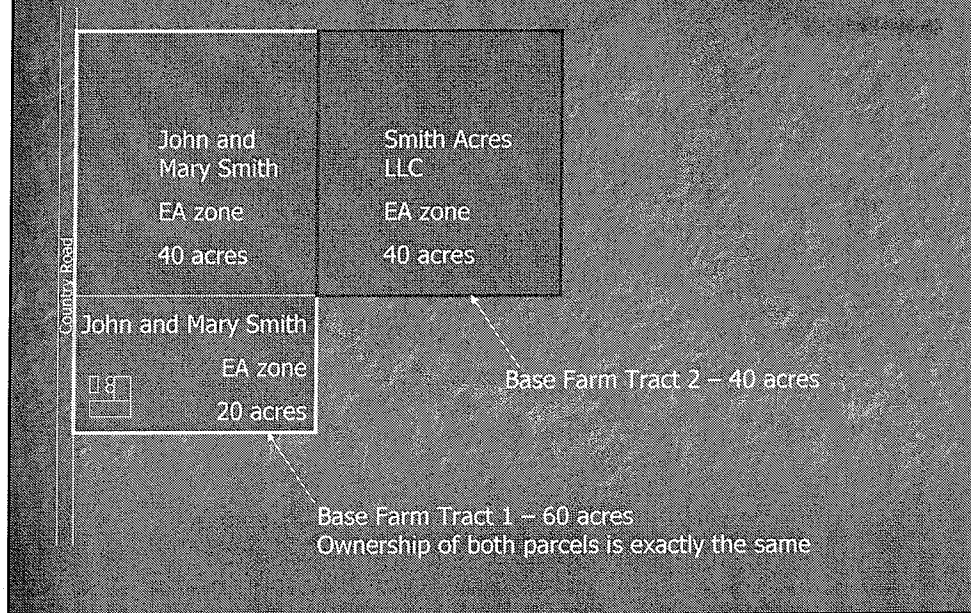
## Agricultural Enterprise Areas, cont'd

- Petition deadline is February 26, 2010 with DATCP designation by June 11, 2010.
- There is a cap of 15 AEAs and combined area of up to 200,000 acres statewide between now and 1/1/2012.
- After 1/1/2012, the cap increases to 1 million acres statewide.
- Interested parties should contact Coreen Fallat at [coreen.fallat@wisconsin.gov](mailto:coreen.fallat@wisconsin.gov) or (608) 224-4625 prior to submitting a petition.
- The petition form is located on the DATCP website [www.datcp.state.wi.us/workinglands/pdf/PetitionARM-LWR-456.doc](http://www.datcp.state.wi.us/workinglands/pdf/PetitionARM-LWR-456.doc)

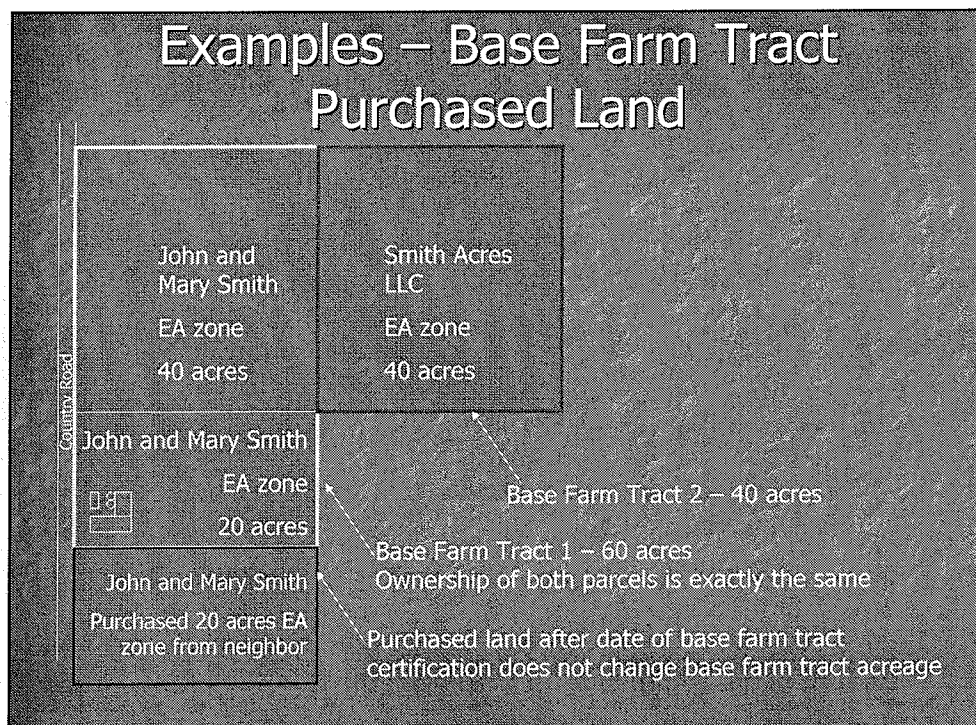
## Base Farm Tract Option

- Limited non-farm residential development is allowable without a conversion fee based upon the size of the initial "base farm tract", provided a conditional use permit (CUP) is approved.
- Base Farm Tract is defined in Chapter 91 as:
  - All land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on the date that DATCP first certifies the farmland preservation zoning ordinance covering the land, regardless of any subsequent changes in the size of the farm.
  - For contiguous parcels to be considered as part of the base farm tract, ownership must be exactly the same.

## Examples – Base Farm Tract



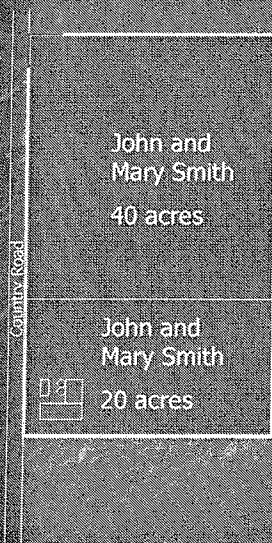
## Examples – Base Farm Tract Purchased Land



## Base Farm Tract Option (cont'd)

- Individual non-farm residences are allowable by conditional use permit in Exclusive Ag zone without rezoning or conversion fee if:
  - Ratio of non-farm residential acreage to base farm acreage is less than 1 to 20 (0.05).
  - There will be no more than 4 non-farm dwelling units on a base farm tract or 5 dwelling units total (includes "farm" residence units). A duplex counts as 2 dwelling units.
  - Proposed non-farm residential parcel or non-farm residence will not:
    - Convert prime farmland from agricultural use, unless there is no reasonable alternative location.
    - Convert land previously used as cropland (other than a woodlot) from agricultural use, unless there is no reasonable alternative location.
    - Significantly impair or limit the current or future agricultural use of other protected farmland.
  - A zoning ordinance may allow for the issuance of a single conditional use permit for non-farm residential "clusters" provided ratio does not exceed 1 to 20 and all other preceding criteria are met.

## Example Scenario



60 acres total "base farm tract"  
1 existing "farm residence"

How many 2 acre non-farm residences are potentially allowable by conditional use permit?

Ratio of non-farm residential acreage to farm acreage may not exceed 1 to 20 (0.05)

One 2 acre (or two 1 acre) non-farm residence(s) =  $2 / 58 = 0.034$

Two 2 acre non-farm residences =  $4 / 56 = 0.071$

Exceeds allowable density standard of 0.05 and is therefore not permissible.

Permittable by CUP if residence also does not convert prime soils or cropland or impair/limit future agricultural use of other protected farmland



## Timelines

- Brown County's Farmland Preservation Plan (adopted 1985) expires 12/31/2011.
- A new County Farmland Preservation Plan must be adopted prior to that date to continue availability of tax credits.
- Local exclusive agriculture zoning districts and maps all expire 12/31/2012.
- Local zoning ordinances and maps must be revised and "substantially consistent" with County Farmland Preservation Plan by this date to continue availability of tax credits.

## How do we meet these timelines?

- Partnerships
  - Each local community has their own general purpose zoning ordinance and map.
  - Each local community will continue to administer their own general purpose zoning ordinance and map.
  - To meet these timelines, we have to work together.

## Phase I - Planning Process

- Brown County Planning and Land Services Department printed out display parcel maps of each local community and provided them to the local communities in December 2009.
- Each local community identifies on the map where their agricultural preservation (EA) areas are expected be over the next 15 years and provides to Brown County PALS by August 30, 2010.
- In the meantime Brown County PALS is working on developing the farmland preservation document.

## Phase I - Planning Process

- In identifying the planned agricultural areas the following criteria should be used:
  - The land is not planned for development over the next 15 years based on
    - Comprehensive plan
    - Soils
    - Utility and Transportation plans
    - Population growth
    - Other pertinent information
  - Per DATCP, the planned areas cannot simply identify those farmers that want to participate, and remove those that don't.
  - The planned areas cannot be "swiss cheese".



## Phase I - Planning Process

- Brown County PALS combines the locally-identified farmland preservation areas and identifies any potential conflicts on local boundaries.
- Brown County PALS works with the communities to resolve any potential farmland preservation conflict areas.
- Brown County PALS with support from Land Conservation compiles the draft farmland preservation plan and brings it through the County adoption process (BCPC, PD&T – public hearing, County Board) by the end of 2010.
- Brown County amends the Brown County Comprehensive Plan Future Land Use Map to reflect the farmland preservation plan in the beginning of 2011.
- Local communities amend their comprehensive plans to show agricultural preservation areas on future land use map, if not already shown.

## Phase II – Local Zoning Process

- To be eligible for Working Lands tax credits, each local zoning ordinance and map must meet state standards and be certified by DATCP.
- Each local zoning ordinance and map must be "substantially consistent" with the Working Lands requirements, including mapped farmland preservation areas.
- Brown County PALS will work with DATCP to develop a model exclusive agriculture zoning district for local communities.
- Local ordinances and maps must be adopted and DATCP certified by 12/31/2012 for farmers in community to capture tax credits.
- Properties removed from a certified agricultural zone as part of a comprehensive town-wide rezone, consistent with the farmland preservation plan are not subject to a conversion fee.
- BC PALS staff does not recommend local communities rush to rezone properties prior to 1/1/2010 to avoid a future conversion fee.
- BC PALS staff recommends communities go through the planning process and then comprehensively rezone areas not expected to remain in agricultural use over the next 15 years, consistent with the plan.

## Other Program Details

- There is no requirement for a 35-acre minimum lot size, however density standard for "a base farm tract" CUP is 1:20.
- Rezoning out of exclusive agriculture require a findings of fact as stated in Chapter 91 State Statutes and be "substantially consistent" with county farmland preservation plan.
- Only rezonings require conversion fee payment and DATCP notification. Sale of land with no rezoning is not subject to fee.
- If a property owner does not collect a tax credit, but is zoned within a certified agricultural preservation district, a rezoning is subject to the conversion fee.
- PACE program pays a farmer the value of the difference between the land for agricultural use and development in exchange for a perpetual easement restricting the land to no development.

Questions?

Contact either:

Aaron Schuette or Matt Heyroth of  
the Brown County Planning and  
Land Services Department at:

(920) 448-6480 or

[schuette\\_am@co.brown.wi.us](mailto:schuette_am@co.brown.wi.us) or

[heyroth\\_mr@co.brown.wi.us](mailto:heyroth_mr@co.brown.wi.us)

# Program Summary

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## Wisconsin Working Lands Initiative

July 2009

The Wisconsin Working Lands Initiative was passed as a part of the state's 2009—2011 biennial budget process. The Wisconsin Working Lands Initiative can be found primarily in Chapter 91 of Wisconsin State Statutes. Main components include:

- Expand and modernize the state's existing farmland preservation program
- Establish agricultural enterprise areas (AEAs)
- Develop a purchase of agricultural conservation easement matching grant program (PACE)

The goal of the Working Lands Initiative is to achieve preservation of areas significant for current and future agricultural uses through successful implementation of these components

### EXPAND AND MODERNIZE THE STATE'S EXISTING FARMLAND PRESERVATION PROGRAM

- Modernize county farmland preservation plans to meet current challenges
- Provide planning grants to reimburse counties for farmland preservation planning
- Establish new minimum zoning standards to increase local flexibility and reduce land use conflicts; local governments may apply more stringent standards
- Increase income tax credits for program participants
- Improve consistency between local plans and ordinances
- Simplify the certification process and streamline state oversight
- Ensure compliance with state soil and water conservation standards
- Collect a flat per acre conversion fee when land under farmland preservation zoning is re-zoned for other uses

### ESTABLISH AGRICULTURAL ENTERPRISE AREAS

- Maintain large areas of contiguous land primarily in agricultural use and reduce land use conflicts
- Encourage farmers and local governments to invest in agriculture
- Provide an opportunity to enter into farmland preservation agreements to claim income tax credits
- Encourage compliance with state soil and water conservation standards

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Wisconsin Department of Agriculture, Trade and Consumer Protection

<http://workinglands.wi.gov>

[DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov)

## Wisconsin Working Lands Initiative Program Summary

### DEVELOP A PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) GRANT PROGRAM

- Protect farmland through voluntary programs to purchase agricultural conservation easements
- Provide up to \$12 million in state grant funds in the form of matching grants to local governments and non-profit conservation organizations to purchase agricultural conservation easements from willing sellers
- Stretch state dollars by requiring grants to be matched by other funds such as federal grants, local contributions and/or private donations
- Establish a council to advise the state on pending grants and proposed easement purchases
- Consider the value of the proposed easement for preservation of agricultural productivity, conservation of agricultural resources, ability to protect or enhance waters of the state, and proximity to other protected land
- Ensure consistency of state-funded easement purchases with local plans and ordinances

### Educational Opportunities

The department will be organizing workshops to help local governments and citizens to better understand the Working Lands Initiative. These workshops will be designed to answer questions about participation in the Working Lands program.

To be notified of upcoming opportunities:

- Email [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov). In the email subject line, indicate which topic you are interested in learning more about:
  - General program information
  - Farmland preservation plan updates
  - Zoning ordinance updates
  - Establishing an AEA
  - Participating in the PACE program
- Call (608) 224-4500

To receive our Working Lands Newsletter:

- Email [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov). In the email subject line, write "Subscribe to newsletter."

For further information, visit <http://workinglands.wi.gov>.

# Rezoning Conversion Fees

## Wisconsin Working Lands Initiative

December 2009

### ***Farmland Preservation Zoning***

A county, town or municipality (zoning authority) may adopt a farmland preservation zoning ordinance. Farmers covered by the ordinance may claim state farmland preservation tax credits *if* the ordinance is certified for compliance with state farmland preservation standards. A certified ordinance must clearly identify the farmland preservation districts in which farmers are eligible for tax credits.

A zoning authority may, from time to time, rezone individual parcels out of a certified farmland preservation district. But special procedures and "conversion fees" apply. (See s. 91.48, Wis. Stats.)

Farmland preservation zoning serves to protect farmland and help it stay in agricultural use. It is especially effective for protecting large contiguous blocks of land. Such large blocks provide security for land owners that their land will continue to be used for agriculture and agriculture-related purposes. This contributes predictability to farm management decisions, limits land use conflicts with neighbors, and encourages agricultural investment. These benefits are lost whenever land is removed from agricultural use. The conversion fee acts not only as a disincentive for rezoning land but also as a way to recoup some lost benefits. Fees collected are used to foster farmland protection efforts in the state.

### ***Rezoning Procedure and Fees***

State law requires a zoning authority to do all of the following before rezoning land out of a certified farmland preservation district at the request of any person:

- **Hold a public hearing on the requested rezoning.**
- **Make all of the following "findings" after public hearing:**
  - The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
  - The rezoning is consistent with any applicable comprehensive plan.
  - The rezoning is substantially consistent with the *county's* certified farmland preservation plan.
  - The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- **Collect a "conversion fee" from the person requesting the rezone.**
  - Fee is intended to discourage excessive rezoning of agricultural land. Fee revenues are paid to a state farmland preservation trust fund and used to help fund state, county and local farmland preservation programs.
  - Fee amount depends on the amount of land rezoned.
  - Fee applies beginning on *January 1, 2010*.
  - Fee applies, regardless of whether the person requesting the rezone has ever collected farmland preservation tax credits.
  - Requester must pay the fee before the rezone is finally approved by the zoning authority (fee may be refunded if approval is denied).
  - Zoning authority may charge a supplementary local fee, in addition to the state-mandated fee. The supplementary fee, if any, must be used to help pay for local farmland preservation programs.

***These requirements do not apply to comprehensive zoning map amendments that are initiated by the zoning authority and certified by the WI Department of Agriculture, Trade and Consumer Protection.***

## Rezoning Conversion Fees

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### **Conversion Fee Amount**

Conversion fees are based on the Wisconsin Department of Revenue Use Value Guidelines for Agricultural Land Assessment (<http://www.revenue.wi.gov/report/a.html>). A per acre conversion fee is calculated by multiplying the Grade 1 Agricultural Land Assessment value (or highest class of tillable land) by 3.

#### **EXAMPLE:**

In the Town of Neva (Langlade County), the 2010 Grade 1 Agricultural Land Assessment Value is \$194 per acre. In that town, the 2010 per-acre rezoning "conversion fee" is therefore  $\$194 \times 3 = \$582$  per acre.

The "conversion fee" for 2 acres is  $\$582 \times 2 = \$1,164$ .

In the Town of Cross Plains (Dane County), the 2010 Grade 1 Agricultural Land Assessment Value is \$319 per acre. In that town, the 2010 per-acre rezoning "conversion fee" is therefore  $\$319 \times 3 = \$957$  per acre.

The "conversion fee" for 2 acres is  $\$957 \times 2 = \$1,914$ .

The fewer acres rezoned, the smaller the "conversion fee." The "conversion fee," though substantial, is generally *much* less than the difference between the development value and the agricultural use value of the rezoned land. It provides a significant, but not prohibitive, disincentive for rezoning land out of agricultural use.

### **An Alternative to Rezoning**

If a zoning authority is concerned about landowner resistance to rezoning "conversion fees," it has another option. Most rezoning requests seek to rezone parcels for residential construction. The new farmland preservation law allows residential construction *within* a farmland preservation district, *without* the need for rezoning, pursuant to a "conditional use" permit.

Conditional use permit standards ensure that approved residences are compatible with the farmland preservation district (see Wis. Stats. s. 91.46). There is no rezoning "conversion fee," because the land remains within the certified farmland preservation district and is not rezoned out of the district.

A zoning authority could take advantage of this option by adopting a simple zoning ordinance *text amendment*. The amendment could allow residential construction in a farmland preservation district, under a "conditional use" permit, if the residence meets the state standards under Wis. Stats. s. 91.46. Several zoning authorities are considering this approach, and have developed sample language in consultation with DATCP.

The text amendment would not require any map changes, and would likely be consistent with the county's *current* certified farmland preservation plan. DATCP could therefore certify it without a plan update. The new law provides a rapid ordinance certification process, so all of this could be accomplished rather quickly.

Such an amendment *would not take away any existing landowner rights in farmland preservation districts*, but would give landowners an *additional legal option* that they do not currently have. It would allow compatible residential construction *within* the farmland preservation district, without any rezoning or "conversion fees." But it would also protect farmland, and allow farmers in the affected district to continue claiming tax credits (which are substantially enhanced under the new law).

# Brown County Farmland Preservation Credits (2008 Property Tax Year)

Municipality	City, Village or Town	Count	Amount (\$)	Average (\$)	Acres
DE PERE	C	9	3,335	371	1,619
GREEN BAY	C	21	11,391	542	3,675
EATON	T	35	18,429	527	4,054
GREEN BAY	T	34	20,475	602	5,285
GLENMORE	T	60	24,755	413	11,549
HOLLAND	T	56	42,328	756	9,914
HUMBOLDT	T	38	22,810	600	4,688
LAWRENCE	T	17	8,827	519	2,630
LEDGEVIEW	T	14	5,972	427	1,851
MORRISON	T	65	25,538	393	8,907
NEW DENMARK	T	47	41,843	890	7,190
PITTSFIELD	T	41	29,014	708	8,416
ROCKLAND	T	35	16,834	475	4,170
SCOTT	T	16	11,426	714	3,061
WRIGHTSTOWN	T	74	36,118	488	11,689
ALLOUEZ	V	1			
ASHWAUBENON	V	2			
BELLEVUE	V	12	1,878	157	1,534
DENMARK	V	19	7,252	382	2,182
HOBART	V	11	9,609	874	1,559
HOWARD	V	8	2,291	286	1,085
PULASKI	V	4			
SUAMICO	V	12	14,372	1,198	1,675
WRIGHTSTOWN	V	14	4,287	306	3,972
COUNTY TOTAL		645	380,537	559	101,254

Estimated value of new tax credit

\$759,405

The data are based on the county in which the claimant lives, which may not be the same as the county in which the farmland is located.

Data for municipalities with 5 or fewer claimants are not disclosed; however, data for these municipalities are included in the county totals.



# Rezoning Conversion Fees: Frequently Asked Questions

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## Wisconsin Working Lands Initiative

December 2009

### What exactly is the conversion fee?

The conversion fee is a fee assessed when land is rezoned out of a certified farmland preservation district by request. The fee is based on the number of acres to be rezoned and not on the entire size of the parcel. The fee is only imposed when an individual requests the rezoning of certain lands within the district. If the zoning authority initiates a public process to amend the comprehensive plan and consequently removes land out of a farmland preservation district, affected persons do not pay a conversion fee.

### What is the purpose of the conversion fee?

#### Why do property owners who never collected the tax credit have to pay the fee?

The tax credit serves to encourage the zoning of agricultural land into farmland preservation districts. Landowners enrolled in the program have always collected valuable tax credits and, under the new law, these credits will be even more substantial. The conversion fee applies to all landowners regardless of whether they collected the credit to discourage the widespread removal of land out of farmland preservation zoning and to protect productive agricultural land for future agricultural use. Farmland preservation zoning ensures the long-term protection of large contiguous blocks of farmland, which can add predictability to farm management decisions, contribute to farm productivity, encourage agricultural investment, and limit neighboring land use conflicts. These and other benefits are lost when agricultural land disappears. The fee will be used to recover some of the lost benefits by funding local and state farmland preservation efforts.

### Why do we have to pay a conversion fee now?

There has always been a conversion fee associated with the farmland preservation program, but in the past the fee was difficult to calculate and collect. The new program simplifies this process and will require collection of the conversion fee. The conversion fee is intended to discourage excessive conversion of agricultural land and to help fund state and local farmland preservation efforts.

### Why haven't I heard about this program before? Who created it?

The Working Lands program and the conversion fee are not new. The program was the culmination of several years of cooperative effort between state, local, and private partners. A Working Lands Steering Committee made up of Wisconsin residents representing stakeholders from agriculture, forestry, local government, non-profit, and private business was formed in 2005 to provide recommendations to the DATCP Secretary Nilsestuen and Governor Doyle. These recommendations provided the framework for legislation that was ultimately signed into law by the Governor in 2009. Since the law's inception, DATCP has been reaching out to local governments and citizens across the state, explaining the program and clarifying any confusion.

### Is all development within a farmland preservation zoning district subject to a conversion fee?

After January 1<sup>st</sup>, 2010, the only individuals subject to a conversion fee are the persons requesting a rezone of land out of a certified farmland preservation district. Local zoning authorities have options available to them that would allow some construction in a certified farmland preservation district without requiring the payment of a conversion fee. This would occur via the conditional use permit process, with some restrictions.



## Rezoning Conversion Fees

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**Can the local government rezone property out of a farmland preservation district in the first few months of 2010? Would the affected landowners need to pay a conversion fee?**

A comprehensive rezone could be completed within the first few months of 2010 to adjust farmland preservation zoning ordinance maps. It would be best for comprehensive zoning ordinance revisions to be completed after the scheduled update of the county Farmland Preservation Plan to reflect current land use. A local government's farmland preservation zoning ordinance must be consistent with the county Farmland Preservation Plan. The property owners who are zoned out of farmland preservation districts as part of a comprehensive farmland preservation zoning ordinance map revision are not subject to paying the conversion fee.

**Can we keep those property owners in the program who want to stay in, and take out those property owners who don't want to stay in? Can this be a voluntary program?**

No. Landowners cannot choose whether to be a part of a farmland preservation zoning district. The classification of land into any zoning district must be rationally related to the purpose of that district. When a local government designates certain lands to be a part of a farmland preservation zoning district, that designation should be based on objective criteria. Such criteria could include, for example, the location of existing agricultural land, the type and productivity of the soil, the topography of the area, or the existing sewer and water utilities.

**What are the downsides of rezoning large areas out of our certified zone to a different zone?**

Rezoning large areas of land out of a certified zone will disqualify landowners with farmland in those districts from being eligible to collect farmland preservation tax credits. Perhaps more importantly, though, rezoning large areas of farmland out can have a huge and lasting impact on the availability of agricultural land now and in the future. Removing the land out of a certified zone eliminates the protection that farmland preservation zoning provides to valuable agricultural land, leaving the land vulnerable to development and the ultimate discontinuance of agricultural activity on the property.

**If our town does not participate in the program, can individual farmers sign up for the \$5.00/acre farmland preservation individual agreements with the state?**

Farmers can only sign up for individual agreements with the state if their land is located within a larger Agricultural Enterprise Area (AEA). These areas will be designated by the state through a competitive process. Not all applicants who seek designation will necessarily receive it and thus not everybody who ultimately wants an individual agreement will be able to obtain one.

**What if a municipality doesn't want to participate in the program anymore? What are the downsides?**

A municipality could choose to let their farmland preservation zoning ordinance certification expire or could choose to decertify from the program. If the municipality did this, landowners in the district would no longer be eligible to collect tax credits under farmland preservation zoning. In addition to the loss of eligibility for tax credits, the impact of removing zoning can have much wider reaching affects. The loss of zoning protection leaves our state's working lands susceptible to non-agricultural conversion. The loss of one farm parcel here and another farm parcel there adds up over time to significant decreases in agricultural land. As more and more productive land becomes unavailable for use, we must buy our goods from further away and rely on other states and other countries to supply our food. The loss of agricultural land chips away at a vital segment of our state's economy and once we lose that resource, we can never get it back.

# Understanding Agricultural Enterprise Areas and the Petition Process

## Wisconsin Working Lands Initiative

October 2009

An "agricultural enterprise area" (AEA) is a contiguous land area, devoted primarily to agricultural use, which DATCP designates in response to a local petition. An agricultural enterprise area is locally targeted for agricultural preservation and development.

Designation of an AEA identifies the area as valuable for current and future agricultural use and may help to promote the development of agricultural businesses. In addition, designation of an AEA enables eligible farmers to enter into *voluntary* farmland preservation agreements with the Department of Agriculture, Trade and Consumer Protection (DATCP) for at least 15 years. Farmers with an agreement receive income tax credits in return for keeping their land in agricultural use.

Tax credits available to farmers in an AEA are:

- \$5 per acre for land that is covered by a farmland preservation agreement, or
- \$10 per acre for land that is covered by a farmland preservation agreement *and* located in a certified farmland preservation zoning district.

The Department of Revenue may adjust tax credit amounts between years, as necessary, to keep total costs within appropriation limits. Once designated as an AEA, the designation remains in effect indefinitely, until it is repealed or modified by rule. If an AEA is repealed, DATCP will no longer enter into new farmland preservation agreements with farmers in that area. However, farmers may continue to claim tax credits under existing agreements until those agreements expire.

### Land use in an agricultural enterprise area

The designation of an AEA does not, by itself, control or limit land use within the designated area. Although targeted for agricultural preservation and development, the area may also include other compatible land uses such as environmental preservation, or compatible infrastructure that supports agriculture.

Designation of an AEA also does not specifically protect areas from encroaching development or land use conflicts. Local designation of an AEA however, can be used as part of a local land use and development "package" designed to preserve, protect and promote agricultural enterprises. This local package may include a variety of local initiatives including farmland preservation zoning, voluntary farmland preservation agreements, agricultural and conservation easements, private land use covenants and donations, development grants, cooperative agreements, financial incentives and more.

It is up to local initiative to design a package that adequately addresses local conditions and visions. The components in the package should work together to contribute to the success of any designated AEA.

### DEFINITIONS

**Contiguous:** Parcels are only separated by a lake, stream, or transportation or utility right-of-way

**Eligible farms:** Must have at least \$6,000 in "gross farm revenues" in the past year, or \$18,000 over the past 3 years.

**Farmland preservation agreement:** A voluntary agreement between the state and the landowner that enables farmers in a designated AEA to claim income tax credits by agreeing to keep their land in agricultural use.

**Gross Farm Revenue:** Gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

**Primarily in agricultural use:** The amount of land that is in actual farming as defined by ch. 91.01(2).

# **Agricultural Enterprise Areas**

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## **Agricultural Enterprise Area Petition Process**

To have an area designated as an agricultural enterprise area, land owners and local governments must work together to submit a petition to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for consideration.

### **1. Request for Petitions**

DATCP will submit a request for petitions to begin the process of designating AEAs. Once the petition period is open, petitioners may submit a petition developed by DATCP requesting designation of an AEA. This petition identifies information that will be evaluated to select agricultural enterprise areas for designation by the state. The form may be found at <http://workinglands.wi.gov>.

### **2. Developing the Petition**

Land owners and local governments play the leading role in planning and designing agricultural enterprise areas. The designation of an AEA must be based on a local petition that demonstrates a cooperative local commitment to agricultural preservation and agricultural development in the designated area. The process to designate an AEA may be initiated by landowners or by a political subdivision. The application *must* be signed by all of the following petitioners (it *may* also be signed by other interested parties or landowners):

- The county in which the proposed AEA is located (if the area is in 2 or more counties, all counties must sign).
- Each town or municipality in which the proposed AEA is located.
- Owners of at least 5 eligible farms in the proposed AEA. An application need *not* be signed by all farmers in the proposed area.

*Petitioners will be asked to:*

- Provide information about the proposed AEA, including eligible farms, total acreage, primary land use, and relationship of AEA to certified farmland preservation plan.
- Explain the goals for future agricultural land use and agricultural development in the proposed area and the activities planned to achieve these goals.
- Explain how the size and boundary of the proposed area was identified and how the location will promote the goals.
- Describe the current land uses and how the proposed area is consistent with local land use plans.
- Identification of current or proposed land use controls which will promote the goals of the AEA.
- Describe how the proposed AEA will promote compliance with state soil and water conservation standards

## Agricultural Enterprise Areas

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- Provide a detailed explanation of how the proposed area will promote agricultural and related investment
- Describe how the proposed area will support economic activity within the community
- Identify level of cooperator support for designation of the proposed area as an AEA
- Submit a map of the proposed agricultural enterprise area and the spatial location data used to create the map
- Submit a signature page for each landowner and political subdivision acting as a petitioner
- Submit any cooperator signature pages (if any). *A cooperator may be an individual, business or nongovernmental entity who proposes to work with the petitioners to achieve the agricultural land use and development goals identified in the petition.*

### 3. Submitting the Petition

Once the petition is developed, petitioners must submit a hard copy of the completed petition form (including supporting documentation and maps) and signed signature pages for all petitioners and cooperators. A copy of the proposed AEA map and the spatial location data used to make the map must also be submitted electronically.

### 4. Selection and Designation of Agricultural Enterprise Areas

DATCP will review petitions and, through a competitive evaluation process, select AEAs for designation. DATCP expects, and welcomes, a variety of local approaches. AEAs will be selected based upon the information provided by the petitioners.

The designation of AEAs will have a state revenue impact, and will make some farmers eligible for tax credits that are not available to farmers outside the designated areas. It is therefore important to designate these areas through a formal, open and transparent process. Once a petition is selected, the proposed area must go through an administrative rule process to be designated by the state as an AEA. Because the normal rulemaking process can be lengthy, DATCP is authorized to use a modified "emergency" rule process. This modified process will shorten the timeframe for designation, but still requires a public hearing, publication of the rule in the official state newspaper, and notification of all state legislators. The rule takes effect upon publication. Following designation of the area, eligible farmers may enter into farmland preservation agreements to collect the farmland preservation tax credits.

### Assistance

It is necessary for local farm owners and local governments to work together to put together a petition for designation of an AEA and to ensure adequate interest in establishing and maintaining an AEA if selected for designation. Town and county government officials, land conservation department staff, county extension agents and staff at regional planning commissions may be helpful in accessing information necessary for developing a successful petition. For additional assistance, petitioners may contact the state Department of Agriculture, Trade and Consumer Protection at [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov).

# Agricultural Enterprise Areas

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## Guidance for Requesting Designation of an Agricultural Enterprise Area

1. Determine your interest in being a part of an AEA. You may wish to contact the state with questions or for further assistance [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov). *The process to designate an AEA may be initiated by landowners or by a political subdivision. In either case, it is important for the local farm owners and local governments to work together to ensure adequate interest in establishing and maintaining an AEA.*
2. Confirm your eligibility.
3. Identify at least 5 eligible landowners within the area willing to serve as petitioners.
4. Determine the boundary of the area to be proposed for designation.
6. Obtain support of political subdivisions in which the AEA is proposed.
7. Determine that all of the following apply to the proposed area:
  - It is located in a certified farmland preservation area
  - It consists of contiguous land area
  - It is primarily in agricultural use
8. Develop the petition requesting designation of the AEA. The petition can be found at <http://workinglands.wi.gov>.
9. Identify interested cooperators who may support your petition, if desired.
10. Submit the petition by the identified deadline when a request for petitions is made. *The Department of Agriculture, Trade and Consumer Protection will accept petitions following issuance of a request for petitions. To find out more about the next request for petitions period, contact (608) 224-4625 or [DATCPWorkingLands@wisconsin.gov](mailto:DATCPWorkingLands@wisconsin.gov).*
11. Once the AEA is established:
  - Continue to promote agricultural land use and the development of agriculture within the AEA.
  - Farmers may sign a farmland preservation agreement to collect tax credits, if desired.

## **U.S. EPA Great Lakes Restoration Initiative Request for Proposals**

**Action:** Request for Proposals for Great Lakes Restoration Initiative projects.

**Summary:** This Request For Proposals (RFP) solicits proposals from eligible entities for grants and cooperative agreements to be awarded pursuant to a portion of the \$475 million Great Lakes Restoration Initiative included in Public Law 111-88, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 which is in furtherance of President Obama's Great Lakes Restoration Initiative (the "Initiative") announced in February 2009. The President and the U.S. Environmental Protection Agency (EPA), in conjunction with 15 other federal agencies, have made restoring the Great Lakes a national priority. The Initiative builds on the prior efforts of agency, business, public interest, and other leaders which resulted in the Great Lakes Regional Collaboration Strategy (GLRC Strategy) and the Great Lakes Restoration Initiative Action Plan now being developed. This RFP represents EPA's major competitive grant funding opportunity under the Initiative and is one of several funding opportunities described in the Initiative's Interagency Funding Guide. This RFP, in conjunction with other funding opportunities under the Initiative, will be used to competitively provide funding to eligible entities to address the most significant Great Lakes ecosystem problems and efforts in five major focus areas:

- Toxic Substances and Areas of Concern, including pollution prevention and cleanup of the most polluted areas in the Great Lakes.
- Invasive Species, including efforts to institute a "zero tolerance policy" toward new invasions.
- • Nearshore Health and Nonpoint Source Pollution, including a targeted geographic focus on high priority watersheds and reducing polluted runoff from urban, suburban and, agricultural sources.
- • Habitat and Wildlife Protection and Restoration, including bringing wetlands and other habitat back to life, and the first-ever comprehensive assessment of the entire 530,000 acres of Great Lakes coastal wetlands for the purpose of strategically targeting restoration and protection efforts in a science-based manner.
- Accountability, Education, Monitoring, Evaluation, Communication and Partnerships, including the implementation of goal- and results-based accountability measures, learning initiatives, outreach and strategic partnerships.

State pollution control agencies, interstate agencies, Tribes, colleges, universities, and other public or non-profit private agencies, institutions, and organizations are eligible to apply for funding under this RFP; individuals and "for-profit" organizations are not eligible.

EPA anticipates issuing an additional Request for Proposals to support the Initiative in the Spring of 2010.

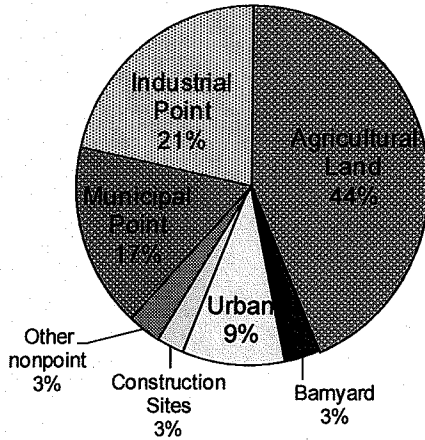
Under this RFP, EPA is requesting proposals from eligible entities for projects addressing the programs further described in the RFP and the Appendixes for the respective focus areas described above. Applicants may submit more than one proposal under this RFP provided that each one is for a different project and is separately submitted.

### Suspended sediments and phosphorus loading to Fox River and Lower Green Bay

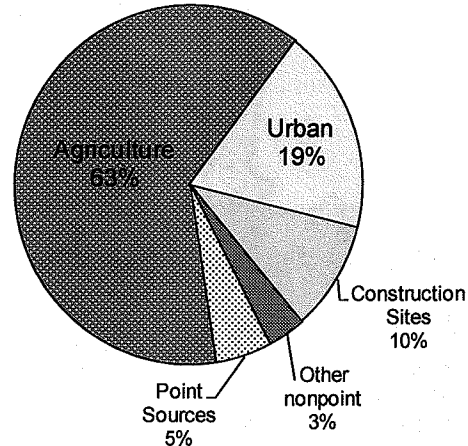
The Fox River is the second largest contributor of suspended sediment to Lake Michigan (17%) and largest contributor of phosphorus (21%) (U.S.G.S Water- Resources).

The Lower Green Bay and Lower Fox Tributary Modeling Report: Source Allocation of Suspended Sediment and Phosphorus Loads to Green Bay from the Lower Fox River Sub basin Using the Soil and Water Assessment Tool (SWAT) January 2005 calculated the following sources of phosphorus and sediment delivery.

**Total Phosphorus Export  
Lower Fox River Basin and Duck Creek  
2004 Baseline, Total 238,912 kg**



**Total Suspended Solids Export  
Lower Fox River Basin and Duck Creek  
2004 Baseline, Total 57,518 ton**



Simulated Phosphorus Loading to Lower Green Bay from the Lower Fox River Basin. 2004 Baseline conditions. Excludes loading from Lake Winnebago.

Source	Total Phosphorus	
	(kg)	(%)
<b>Agricultural Land</b>	<b>104,094</b>	<b>43.6%</b>
Barnyard	7,487	3.1%
Urban	22,450	9.4%
Construction Sites	6,484	2.7%
Other Nonpoint Sources	7,378	3.1%
Municipal Point Sources	39,573	16.6%
Industrial Point Sources	51,446	21.5%
<b>Total</b>	<b>238,912</b>	<b>100%</b>

Simulated Suspended Solids Loading to Lower Green Bay from the Lower Fox River Basin. 2004 Baseline conditions.

Source	Suspended Solids	
	(metric ton)	(%)
<b>Agricultural Land</b>	<b>36,105</b>	<b>62.8%</b>
Urban	10,664	18.5%
Construction Sites	5,735	10.0%
Other Nonpoint Sources	2,014	3.5%
Point Sources	3,000	5.2%
<b>Total</b>	<b>57,518</b>	<b>100%</b>

(Data Sources: Integrated Watershed Approach Demonstration Project: A Pollutant Reduction Optimization Analysis for the Lower Fox River Basin and the Green Bay Area of Concern. August 2007; prepared by The Cadmus Group for the U.S. EPA, with contributions from the University of Wisconsin-Green Bay, 26 pp. Solids data from P. Baumgart, UW-Green Bay, 2008.)

# LIVESTOCK NUMBERS

## Fox Wolf Dairy Cow Numbers

	<b>All Cattle</b>		<b>Acres /</b>
	<b><u>2006</u></b>	<b><u>Cropland</u></b>	<b><u>Cow</u></b>
Brown	103,000	172,000	1.67
Outagamie	84,000	211,300	2.52
Winnebago	31,000	124,900	4.03
Calumet	54,000	127,200	2.36
Fond du Lac	97,500	265,700	2.73
Waupaca	56,500	151,200	2.68
Shawano	92,000	185,000	2.01



# TRENDS

## **2008 US Dairy Statistics Midwest Region (12 states) milk production (Progressive Dairyman)**

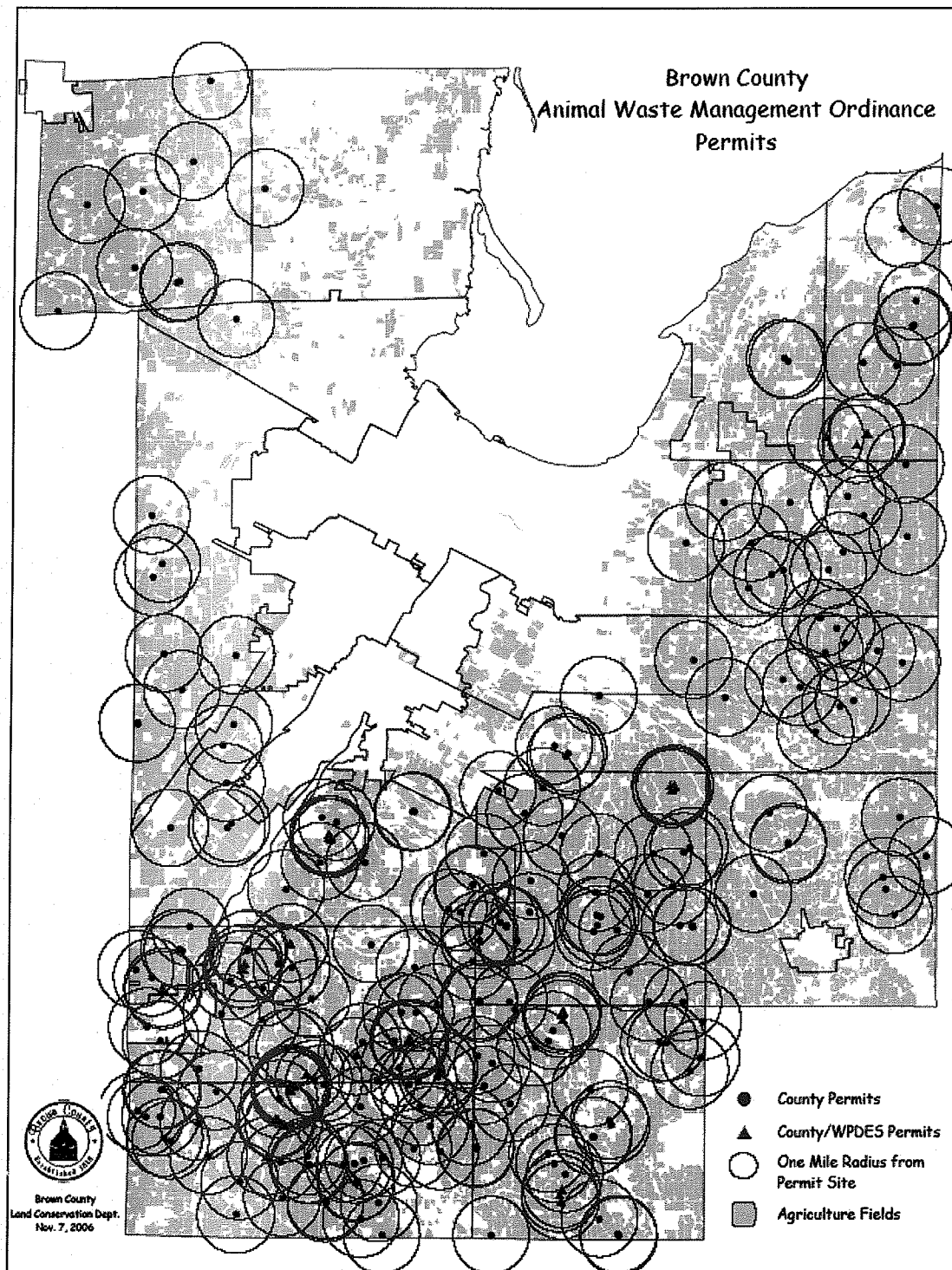
- State Ranking in Total Milk production Wisconsin is #2 nationwide.
- Wisconsin average herd size = 91
- Number dairy herds 13,730

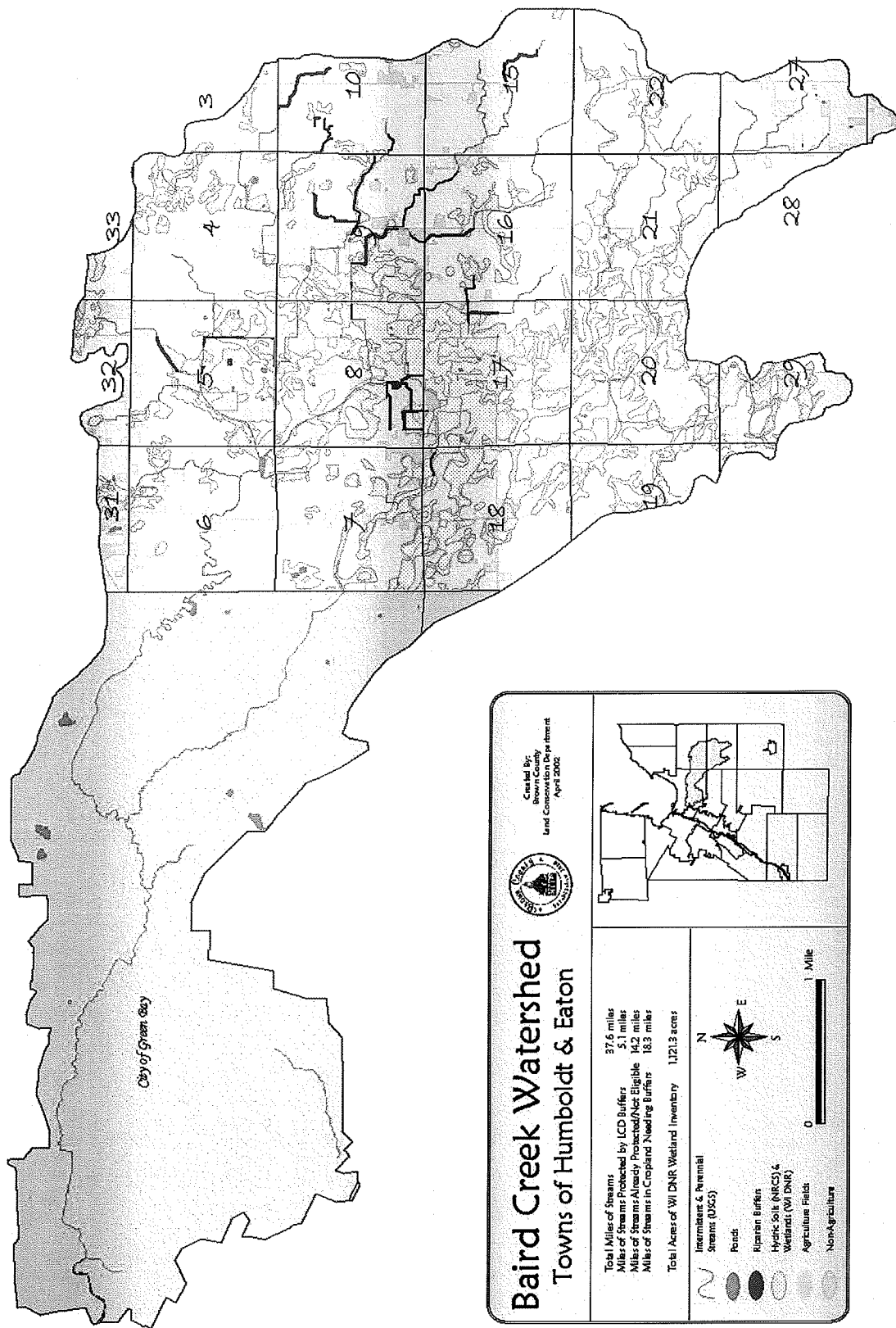
## **TOP DAIRY COUNTIES IN MIDWEST**

(12 states)

1. **Dane Milk 2007-08 (81 million lbs) +15%**
2. **Clark Milk 2007- 08 (75 million lbs) +38%**
3. **Manitowoc 2007-08 (75million lbs) +11%**
4. **Brown 2007-2008 (67 million lbs) +14%**

# Livestock Distribution





**Map of Wisconsin**

Credited By:  
Brown County  
Land Conservation Department  
April 2002

**Summary Statistics:**

- Total Miles of Streams: 37.6 miles
- Miles of Streams Protected by LCD Buffers: 5.1 miles
- Miles of Streams Already Protected/Not Eligible: 14.2 miles
- Miles of Streams in Cropland Needing Buffers: 18.3 miles
- Total Acres of WI DNR Wetland Inventory: 1,121.3 acres

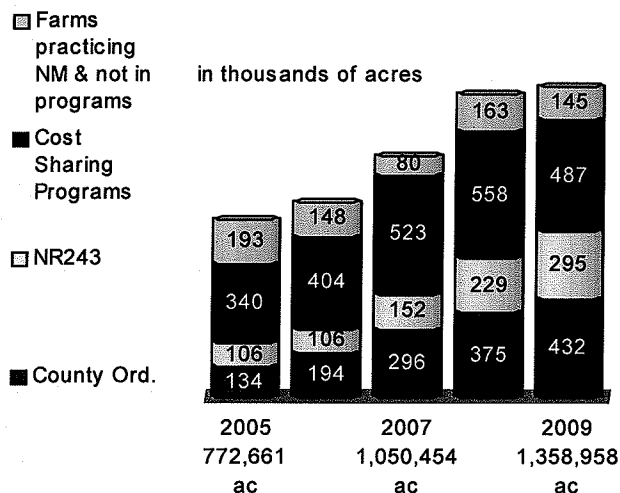
**Map of Wisconsin**

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# WISCONSIN NUTRIENT MANAGEMENT UPDATE

& Quality Assurance Team Review of 2009's Nutrient Management Plans

## 2005-2009 Nutrient Management Plan Acres



The following counties showed the greatest increase in NM acreage between 2008-09.

County	Increase of Cropland with NM plans (ac)
Kewaunee	47,231
Fond du Lac	40,432
Dodge	32,831
Clark	31,606
Manitowoc	29,326
Marathon	27,408
Door	23,013

\* Polk, Eau Claire, La Crosse, Shawano, and Brown Counties increased NM plan acres any where from 10,000 to 20,000 acres.

The following counties have more than 30% of their cropland under NM plans.

County	Percent of Cropland with NM plans
Brown	71%
Door	66%
Kewaunee	63%
Marathon	47%
Shawano	41%
Manitowoc	39%
Iron	39%
Fond du Lac	38%
La Crosse	34%
Outagamie	33%
Marinette	33%
Clark	32%

### Who are writing the plans?

**618 farmers** wrote their own plans on 180,681 acres in 2009; 213 more farmers and 78,053 (76%) more acres than in 2008. Farmers are writing 22% of the total plans compared to 15% of last year's plans.

**207 agronomists** were hired by farmers to assist them with NM planning. Agronomists reported 1,143,089 acres from 2,251 plans or 78% of the total plans written, very little change from 2008.

Another 35,188 acres were reported from farmers purchasing bulk fertilizer or not participating in any programs.

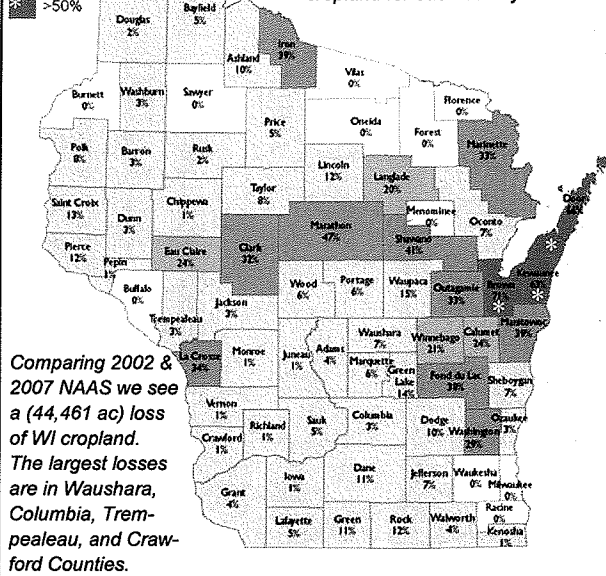
The DATCP tracks **progress of nutrient management (NM)** planning through bulk fertilizer suppliers and NM Plan Checklist forms submitted by farmers, agronomists, and public agency staff. Suppliers of bulk fertilizer to WI farmers reported 3,131 plans covering 1,358,958 acres in 2009. This amounts to 15% of WI's cropland and about the same as last year's 1,324,001 acres. NM Plan Checklists were submitted for 64 counties in 2009, as compared to 54 counties in 2006.

For the last 14 years, the Quality Assurance Team (QAT), comprised of agency and private nutrient management specialists, has conducted quality assurance reviews of NM plans. We are seeing substantial compliance with the NM performance standard for the plans we reviewed this year. Overall the plans are improving their compliance with the NRCS 590 NM Standard when we looked at: meeting T for tolerable soil loss, following the N recommendations, showing wells, and showing spreader calibrations.

*The QAT reviews current year plans written mostly by previously un-reviewed NM planners with the goal of improving planning and stewardship of our soil and water*

### Percentage of Cropland Reported from NM Plan Checklists 2009

Percent cropland with NM plans is calculated from NM Plan Checklist acres and 2007 National Agricultural Statistics Service (NAAS) cropland for each county.



43 counties reported more NM acreage in 2009 than in 2008. Notably, Marathon County again reported more than any other county with 136,179 acres, followed by Brown 107,833 acre, and Fond du Lac 96,962 acres.

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# GLACIERLAND HAPPENINGS

## 2010: Year of the Niagara Escarpment

### INSIDE THIS ISSUE:

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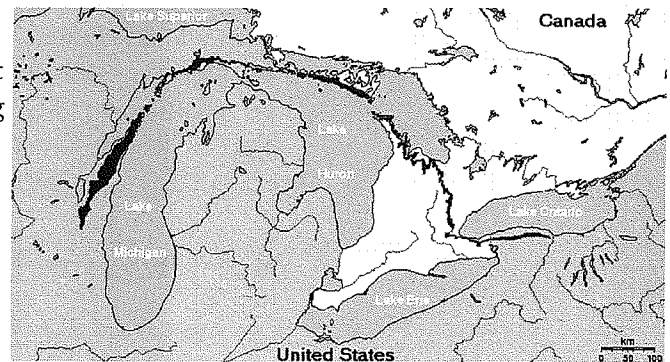
**GLACIERLAND**  
  
 RESOURCE CONSERVATION  
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 "Making Things Happen"

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Some people refer to it as "the Ledge", and others call it "the Bluff" — this fascinating stretch of stratified cliffs and deep crevices that sprawl from southeast Wisconsin all the way up to the tip of Door County, continuing through Michigan and southern Ontario, finally ending in western New York State (illustrated by the red outline on the map). Its official name is the Niagara Escarpment, and its most famous feature is the Niagara Falls, formed by the Niagara River falling over one section of the ledge. But here in Wisconsin, it also forms an important part of the geologic landscape, spanning 230 miles from Waukesha County to the far reach of the Door County Peninsula. Counties included in its stretch are Brown, Calumet, Dodge, Door, Fond du Lac, Kewaunee, Manitowoc and Waukesha. In some places, the Escarpment is highly visible in the form of towering cliffs that dominate the landscape. In other places, its presence is more subtle as it blends into the agricultural lands that cover it.

Over the years, studies have been conducted and reports generated that reveal the unique characteristics of the Escarpment. These studies have found that a variety of endangered and

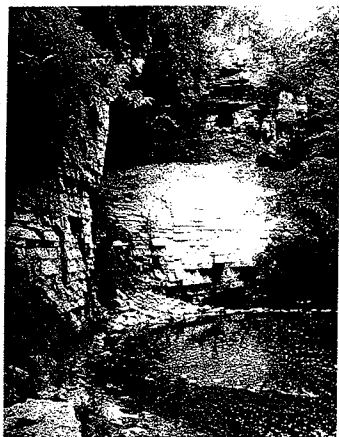


rare flora and fauna species populate the Escarpment, finding a home in the moisture that is present on the cliff faces. The Escarpment also has historic significance, as over 500 features and structures dating back to Paleo-Indian times are scattered all along the expanse of the formation. Another characteristic of the Escarpment, well-known in northeast Wisconsin, is the presence of highly fractured bedrock and karst conditions which contribute to the on-going problem of groundwater contamination as water flows unfiltered from the farming land on the surface through the cracks in the bedrock directly into the groundwater beneath.

Because northeast Wisconsin is home to such an unusual and significant feature, the Legislature has declared 2010 as the "Year of the Escarpment". In recognition of this, Glacierland RC&D is devoting this newsletter to the Niagara Escarpment.



*Photo provided by Eric Carson,  
Wisconsin Geological & Natural  
History Survey*



*Photo provided by Eric Fowle,  
East Central WI Regional  
Planning Commission*



*Photo provided by Brown County  
Land Conservation Department*



*Photo provided by Kelly Nieforth,  
Calumet County Economic  
Development Specialist*

## The Niagara Escarpment's Beauty and the Beast

For the average onlooker the Niagara Escarpment is a natural, geologic feature that is truly splendid in all of its glory. From its elevated landscape overlooking the Fox Valley to pristine limestone cliffs suspended above the Bay of Green Bay, the Escarpment is the backdrop of many family photos throughout Northeastern Wisconsin. Beneath the surface of cropland, farmsteads and residential homes, the Escarpment becomes a direct siphon to our groundwater. The fractured rock allows little time to remove toxins carried in water gravitating to groundwa-

ter below. This beauty and the beast syndrome occur in unison with each other. It doesn't have to be this way. Everyone living or working on the Escarpment must be responsible for their actions. No matter how large or small, groundwater contamination is everyone's concern. Once groundwater is contaminated, it cannot be flushed out like one would do for a lake or stream. Groundwater does not come from Alaska. Groundwater comes from the land mass immediately above. Sometimes faster than one would like.

## Many Events Planned for 2010: Year of Escarpment

A group called the **Niagara Escarpment Resource Network (NERN)** from Northeastern Wisconsin has been busy meeting, planning and sharing resources to undertake up to 70 plus activities in celebration of 2010 as the "Year of the Escarpment." Following is a brief snap shot of what you can expect in 2010 throughout the Escarpment of Northeastern Wisconsin:

- Kickoff of the Escarpment Celebration in January. Open to the public
- Information and education workshops including grant writing opportunities
- Niagara Escarpment Greenway Plan
- Great Arc Bike Trail throughout the Escarpment
- Historic Preservation & Archeology Month
- The Ledge AVA designation for wine and vineyard entrepreneurs
- Marketing the Escarpment for tourism and industry
- Farm Fresh Atlas showcasing the Escarpment
- Developing a web page for public. A calendar of events will be kept updated
- County resolution proclaiming the "Year of the Escarpment"
- WI State Park Activities
- Escarpment wine and jazz festivals, music fest, bird fest, Fall Food and Energy Fest
- Cave explorations
- Field Trips



For more information visit the NERN website at [www.escarpmentnetwork.org](http://www.escarpmentnetwork.org)

If you are interested in volunteering to help in this celebration, please contact the Glacierland RC&D office. Volunteering is critical.

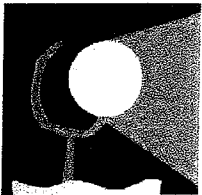
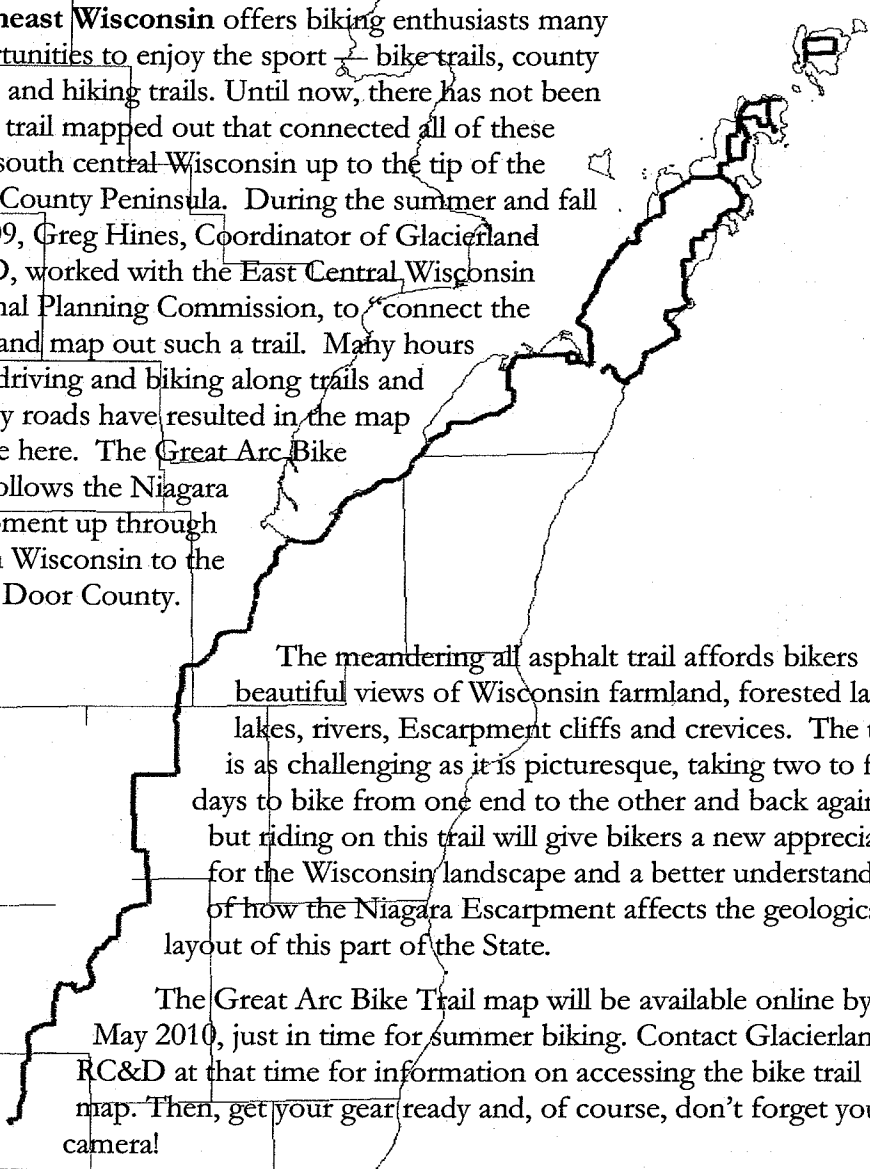
## Great Arc Bike Trail on the Niagara Escarpment



Northeast Wisconsin offers biking enthusiasts many opportunities to enjoy the sport — bike trails, county roads, and hiking trails. Until now, there has not been a bike trail mapped out that connected all of these from south central Wisconsin up to the tip of the Door County Peninsula. During the summer and fall of 2009, Greg Hines, Coordinator of Glacierland RC&D, worked with the East Central Wisconsin Regional Planning Commission, to “connect the dots” and map out such a trail. Many hours spent driving and biking along trails and country roads have resulted in the map you see here. The Great Arc Bike Trail follows the Niagara Escarpment up through eastern Wisconsin to the end of Door County.

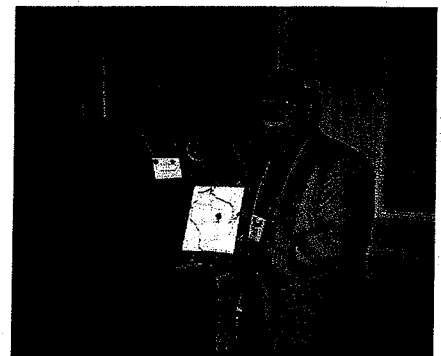
The meandering all asphalt trail affords bikers beautiful views of Wisconsin farmland, forested land, lakes, rivers, Escarpment cliffs and crevices. The trail is as challenging as it is picturesque, taking two to four days to bike from one end to the other and back again, but riding on this trail will give bikers a new appreciation for the Wisconsin landscape and a better understanding of how the Niagara Escarpment affects the geological layout of this part of the State.

The Great Arc Bike Trail map will be available online by May 2010, just in time for summer biking. Contact Glacierland RC&D at that time for information on accessing the bike trail map. Then, get your gear ready and, of course, don't forget your camera!



### In the Spotlight: Ed Miller

This month we turn the spotlight on Ed Miller, who represents Outagamie County on our Council. Ed became involved in RC&D around 1995, and has served as Glacierland RC&D's Secretary for 10 years. In 1998, he became Treasurer of the WI Assoc. of RC&D Councils and went on to become President. Since 2001, he has served as the 1st Vice Pres. of the North Central Region of RC&D Councils, and in 2006 became Treasurer on the Executive Committee of the National Assoc. of RC&D Councils. This year, Ed received the Outstanding Council Member Award from the WI Assoc. of RC&D. We thank Ed for his tireless work on behalf of the RC&D program! Congratulations, Ed, on your well-deserved award!



*Ed Miller (right) receiving the Outstanding Council Member Award for 2009, presented by Chuck Wagner, President of WI Assoc of RC&D Councils*



## 2009 ASSEMBLY JOINT RESOLUTION 1

**Relating to:** proclaiming Niagara Escarpment year and month.

**Whereas**, the Niagara Escarpment is a 650 mile long geologic feature of international scale and global importance that reaches across Wisconsin, Michigan, Ontario, and New York; and

**Whereas**, in Wisconsin, the Niagara Escarpment extends for a distance of over 230 miles and runs through Door, Kewaunee, Brown, Manitowoc, Calumet, Fond du Lac, Dodge, and Waukesha counties; and

**Whereas**, the Niagara Escarpment's cliff faces and high elevation on the landscape provide numerous important vistas and viewsheds, several of which are as much as 200 feet above the surrounding landscape; and

**Whereas**, the Niagara Escarpment corridor is home to high levels of biodiversity and unique plant and animal species, and over 240 different rare, threatened, or endangered plant and animal species have been identified along the Niagara Escarpment; and

**Whereas**, the Niagara Escarpment is known to have highly sensitive groundwater resources due to its composition of highly fractured bedrock and karst features; and

**Whereas**, the Niagara Escarpment contains numerous high-value passive recreation areas and contributes significantly to the tourism-based economy of many of the corridor's communities, and two of Wisconsin's most visited State Parks — Peninsula and High Cliff — lie along the Niagara Escarpment; and

**Whereas**, the Niagara Escarpment corridor has significant historical and cultural features which equate with both past and present uses of its resources. The Niagara Escarpment has been used since Paleo-Indian times for ceremonial purposes, has a long tradition of being a top agricultural area, is home to a rapidly growing viticulture industry and wine producing region, and is known as a present day source for quality building materials such as cut stone and crushed rock; and

**Whereas**, past and present landowners have used the Niagara Escarpment landscape as a resource for which to build communities, sustain their livelihoods, and promote a strong stewardship ethic; and

**Whereas**, the Niagara Escarpment has been recognized by the Wisconsin Department of Natural Resources as a highly ranked "Land Legacy Place"; now, therefore, be it

***Resolved by the assembly, the senate concurring,*** That the members of the Wisconsin state legislature proclaim the year 2010 as the "Year of the Niagara Escarpment" in the State of Wisconsin so as to foster awareness and education on this important and unique landscape feature; and, be it further

***Resolved,*** That the month of May 2010 be proclaimed as the "Month of the Niagara Escarpment" in the State of Wisconsin in order to promote efforts to recognize the Niagara Escarpment's significance as a statewide geologic and natural resource.

*Adopted March 24, 2009 by the Joint Assembly of the Wisconsin State Legislature.*